COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1   Page 2, between lines 33 and 34, begin a new paragraph and insert:

2   "**Sec. 5. If the attorney general determines during an**

3   **investigation conducted under this chapter that there is reasonable**

4   **suspicion to believe that a person has committed identity deception**

5   **or a similar offense, the attorney general shall promptly notify a**

6   **law enforcement agency and the prosecuting attorney that have**

7   **jurisdiction over the person or offense.**".

8   Page 2, line 34, delete "Sec. 5." and insert "**Sec. 6.**".

9   Page 3, line 5, delete "Sec. 6." and insert "**Sec. 7.**".

10   Page 3, line 6, delete "5" and insert "**6**".

11   Page 3, line 8, delete "Sec. 7." and insert "**Sec. 8.**".

12   Page 3, line 11, delete "Sec. 8." and insert "**Sec. 9.**".

13   Page 4, delete line 1 through 6.

14   Page 4, line 21, delete "synthetic identity deception (as defined in

15   IC 35-43-5-3.8),".

16   Page 4, between lines 28 and 29, begin a new paragraph and insert:

17   "**(c) If a data base owner makes a disclosure described in**

18   **subsection (a), the data base owner shall also disclose the**

19   **breach to the attorney general.**".

20   Page 4, delete lines 29 through 42.

21   Page 5, delete lines 1 through 32.

Page 5, line 35, after "(a)" insert "**This section does not apply to a data base owner that maintains its own data security procedures as part of an information privacy, security policy, or compliance plan under:**

(1) the federal USA PATRIOT Act (P.L. 107-56);

(2) Executive Order 13224;

(3) the federal Driver's Privacy Protection Act (18 U.S.C. 2721 et seq.);

(4) the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

(5) the federal Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.); or

(6) the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191);

if the data base owner's information privacy, security policy, or compliance plan requires the data base owner to maintain reasonable procedures to protect and safeguard from unlawful use or disclosure personal information of Indiana residents that is collected or maintained by the data base owner and the data base owner complies with the data base owner's information privacy, security policy, or compliance plan.

(b)".

Page 5, line 40, delete (b) and insert "**(c)**".

Page 6, line 3, delete "(c)" and insert "**(d)**".

Page 6, line 3, after "that" insert "**knowingly or intentionally**".

Page 6, line 4, delete "chapter" and insert "**section**".

Page 6, line 5, delete "chapter" and insert "**section**".

Page 6, line 6, delete "(d)" and insert "**(e)**".

Page 6, line 6, delete "chapter" and insert "**section**".

Page 6, line 8, delete "chapter" and insert "**section**".

Page 6, between lines 13 and 14, begin a new paragraph and insert:

"**(f) A failure to comply with subsection (b) or (c) in connection with related acts or omissions constitutes one (1) deceptive act.**".

Page 8, between lines 23 and 24, begin a new line block indented and insert:

"**This subdivision does not prohibit denial of credit or public utility service if a consumer has placed a security freeze on the consumer's consumer report and does not wish to temporarily lift the freeze for purposes of the credit or public utility service request or application.**".

Page 12, after line 41, begin a new paragraph and insert:

"**Sec. 2. As used in this chapter, "unit" refers to the identity**

1   **theft unit established under IC 4-6-13-2.**".

2   Page 13, line 1, delete "Sec. 2." and insert "**Sec. 3.**".

3   Page 13, line 16, delete "Sec. 3." and insert "**Sec. 4.**".

4   Page 13, between lines 24 and 25, begin a new paragraph and insert:

5   "**(b) A person filing an application under subsection (a) shall file**

6   **a copy of the application with the unit. The unit may appear at and**

7   **present evidence in a hearing conducted under this section if the**

8   **unit determines that a court order declaring the applicant a victim**

9   **of identity theft would be inappropriate.**".

10   Page 13, line 25, delete "(b)" and insert "**(c)**".

11   Page 13, line 29, delete "(c)" and insert "**(d)**".

12   Page 14, line 8, delete "(d) An" and insert "**(e) Except as provided**

13   **in subsection (h), an**".

14   Page 14, line 26, delete "(e)" and insert "**(f)**".

15   Page 14, line 30, delete "(f) A" and insert "**(g) Except as provided**

16   **in subsection (h), a**".

17   Page 14, line 31, delete "(d)(1)" and insert "**(e)(1)**".

18   Page 14, line 34, delete "(d)(2)" and insert "**(e)(2)**".

19   Page 14, between lines 35 and 36, begin a new paragraph and insert:

20   "**(h) The following information regarding an application filed**

21   **under this section may be released to the public:**

22   **(1) The name of the applicant.**

23   **(2) The county of residence of the applicant.**

24   **(3) Whether the application was approved or denied by the**

25   **court.**".

26   Page 18, line 39, after "identifies" insert "**:**

27   **(1) a false or fictitious person; or**

28   **(2)**".

29   Page 18, line 40, after "information" insert "**;**".

30   Page 18, line 40, beginning with "but" begin a new line blocked left.

31   Page 20, line 11, delete "of another person".

32   Page 20, line 13, after "identity;" insert "**or**".

1   Page 20, line 14, delete "or".

2   Page 20, delete line 15.

3   Renumber all SECTIONS consecutively.

        (Reference is to SB 294 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

_____

Senator Steele, Chairperson